

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.14661 of 2014

Date of decision: 26.05.2016

Constable Sukhdev Singh

...Petitioner

versus

Director General of Police, Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Alka Sharma, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

RITU BAHRI, J.

The petitioner is seeking quashing of orders (Annexures P-1 to P-3), whereby he has been awarded punishment of stoppage of four yearly increments with permanent effect.

A charge-sheet was issued to the petitioner on the allegation that when he was posted at Police Post, Sector 6, Panchkula, on 05.12.2003 he was deputed on *naka* duty at Old Panchkula from 7.00 a.m. to 2.00 p.m. However, the petitioner did not report for duty. In this regard, DDR No.26 was recorded. Thereafter, when the petitioner came at Police Post, Sector 6, Panchkula at 9.15 a.m., he used unparliamentary language against EHC Mohinder Pal, No.360/PKL. In this process, he picked up a brick in order to kill/hurt him (Mohinder Pal). In this regard, another DDR No.13 dated 05.12.2003 was recorded in the *rojnamcha* of Police Post. Consequently, a regular departmental enquiry was initiated vide order dated 09.12.2003 by the Superintendent of Police, Panchkula and Mr. Ram Chander Rathi,

Inspector, CIA, Panchkula was deputed as enquiry officer. The petitioner was found guilty in the final report and thereafter, a show cause notice for dismissal from service was issued vide order dated 14.04.2004. The defence taken by the petitioner was that on 05.12.2003, he was present at police post around 8.30 to 9.00 a.m. and had to attend the Court in a criminal case, in which he himself was involved as accused. It was held that it was the duty of the petitioner to take leave/permission prior to the said date, but instead he absented himself from duty. He was awarded punishment of stoppage of four increments with cumulative effect on 13.05.2004. His appeal against the said order was dismissed by the Inspector General of Police, Ambala Range, Ambala Cantt. vide order dated 21.07.2004 (Annexure P-2) and revision against the said order was also dismissed by the Director General of Police, Haryana on 21.02.2005 (Annexure P-3).

The impugned orders of punishment have been passed after following due procedure and recording statements of witnesses, as contemplated in the service rules. Apart from the above said incident of absence from duty, details of the period during which he had been absent in the past, has been explained in para No.6 of the written statement. Period during which, the petitioner remained absent from duty, is reproduced as under:-

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|-------------------------------|------------------------------------|
| “(a) 05.12.2005 to 15.01.2006 | : total 40 days. |
| (b) 23.04.2006 to 24.04.2006 | : 7 hours and 15 minutes. |
| (c) 05.06.2006 to 24.07.2006 | : 49 days, 4 hours and 40 minutes. |
| (d) 31.01.2007 to 01.09.2007 | : 213 days 5 hours. |

In view of the aforesaid reasons, separate enquiries were initiated against the petitioner and eventually, he was dismissed from service on 08.03.2008. However, he was again taken back in service vide order

dated 10.02.2009 passed by the Director General of Police, Haryana.

After going through the contents of the written statement, this Court is of the considered opinion that the petitioner is a habitual absentee and the impugned punishment has been inflicted by the competent authority after following due procedure as prescribed in Civil Services Rules. As such, no ground is made out to interfere in the impugned orders.

Dismissed.

26.05.2016
ajp

(RITU BAHRI)
JUDGE